

TOWN OF TIVERTON
ZONING BOARD OF REVIEW MINUTES

September 4, 2013

The following petitions were received and were heard by the Tiverton Zoning Board of Review on Wednesday, September 4, 2013 at 7:00 p.m. at the Tiverton Town Hall, 343 Highland Road.

Members present: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Ms. Susan Krumholz, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

Also present were: Mr. Peter Ruggiero, Town Solicitor, Mr. Gareth Eames, Building Official and Ms. Sally Ferreira, Court Reporter.

1. A petition has been filed by MPD Development LLC by Michael Duckett of Tiverton, RI requesting a special use permit to Article VII Section 4.b. of the Tiverton Zoning Ordinance in order to install a new roof and siding around the existing trailer at 19 Delano's Island, Tiverton, RI being Plot 408 Lot 139 on Tiverton Tax Assessor's maps closer to the front and side yard setbacks than currently allowed in a R80 zoning district.

DECISION:

The Chairwoman welcomed everyone to the meeting and introduced the members who were present. The Chairwoman stated for the record that this matter was heard on August 7th in part and the Board heard from Mr. Duckett, the applicant, regarding what his plans were and the Board also heard from some of the neighbors that appeared in support of the applicant's proposal. The Chairwoman went on to say at the August 7th meeting, the Board expressed some kind of concern regarding the need for further information such as some information from the Fire Marshall that whatever improvement Mr. Duckett wished to make or was requesting were going to be safe and that it would not cause a fire risk or a draft risk for an area that's already very dense.

In addition, the Chairwoman stated that Ms. Krumholz would not be able to vote on this matter tonight because she was not present at the August meeting.

Mr. Michael Duckett, the applicant, was sworn in and stated he spoke to Lieutenant Dan Murphy about two weeks ago and explained to him what he was proposing to do. Mr. Duckett went on to say Lieutenant Dan Murphy was hesitant to give him any opinion and prefaced their conversation by saying he does not have jurisdiction on these types of matters, and that he can't essentially offer an opinion on how to build a certain structure, that that would default to the building official Mr. Eames.

Mr. Duckett further stated Lieutenant Murphy's major concern was the issue with any voids in the structure by putting a shell around the trailer which would be creating essentially two exteriors. So if there was a fire and the fire department came up to it,

from the outside it would look like one infrastructure, but when the fire department started ripping down walls, they would run into another wall.

Mr. Duckett stated the issue of any voids would be easily resolved by installing insulation which he planned on doing. Although Mr. Duckett didn't have any documentation from Lieutenant Murphy, he went back and developed a plan to alleviate Lieutenant Murphy's concern. At this time, Mr. Duckett presented the Board with a sketch and plan. Mr. Collins asked if Lieutenant Murphy saw these plans and Mr. Duckett responded, no. Mr. Duckett explained that he drew up this plan after his conversation with Lieutenant Murphy and, because of their schedules; they have not been able to reconnect.

The Chairwoman reminded Mr. Duckett that the Board has a procedural requirement that any written submission need to be submitted 10 days in advance of the hearing. Mr. Duckett apologized and stated he was not aware of the requirement until Jodi called him the day it was due.

The Chairwoman went on to say an applicant has the burden to show and prove that a request being asked for is not a risk to anybody and if the Fire Marshall isn't willing to give his opinion, the applicant should go and hire someone who is offered as an expert in their chosen field that can satisfy the Board that any plans submitted are consistent with the public's interest and does not present a danger to anyone. Mr. Duckett agreed.

Mr. Collins asked if Mr. Eames had a chance to see these plans and Mr. Eames responded, no. Mr. Duckett stated nobody has. Mr. Collins asked Mr. Eames how he normally handles a situation like this when there are safety concerns on a construction project and Mr. Eames responded he requires that the applicant produce some sort of documentation from a professional stating the proposed construction is going to work and it will not cause any safety concerns. Mr. Eames went on to say he then checks with the professional or some other sources to confirm the findings. In this case, Mr. Eames stated he had a conversation with Lieutenant Murphy who basically said exactly what Mr. Duckett stated but added Lieutenant Murphy stated that this was probably a difficult thing to do from a safety point of view.

Mr. Duckett responded the plan he drew up would alleviate Lieutenant Murphy's concerns and offered to explain it to the Board. The Chairwoman stated Mr. Duckett is not an expert and has not been offered as an expert. Mr. Duckett agreed that he is not an expert in this field. Mr. Duckett requested a continuance so he may bring in an engineer or someone familiar with fire code.

Mr. Collins made a motion to continue this matter for another month. Mr. Taylor seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

2. A petition has been filed by MPD Development LLC by Michael Duckett of Tiverton, RI requesting a variance to Article XIV Section 5.d. and Article V Section 2 of the Tiverton Zoning Ordinance in order to install a new roof and siding around the existing

trailer at 19 Delano's Island, Tiverton, RI being Plat 408 Lot 139 on Tiverton Tax Assessor's maps whereby expanding a legal non-conforming structure closer to the front and side yard setbacks which is not currently allowed in a R80 zoning district.

DECISION:

The Chairwoman welcomed everyone to the meeting and introduced the members who were present. The Chairwoman stated for the record that this matter was heard on August 7th in part and the Board heard from Mr. Duckett, the applicant, regarding what his plans were and the Board also heard from some of the neighbors that appeared in support of the applicant's proposal. The Chairwoman went on to say at the August 7th meeting, the Board expressed some kind of concern regarding the need for further information such as some information from the Fire Marshall that whatever improvement Mr. Duckett wished to make or was requesting were going to be safe and that it would not cause a fire risk or a draft risk for an area that's already very dense.

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Mr. Duckett stated the issue of any voids would be easily resolved by installing insulation which he planned on doing. Although Mr. Duckett didn't have any documentation from Lieutenant Murphy, he went back and developed a plan to alleviate Lieutenant Murphy's concern. At this time, Mr. Duckett presented the Board with a sketch and plan. Mr. Collins asked if Lieutenant Murphy saw these plans and Mr. Duckett responded, no. Mr. Duckett explained that he drew up this plan after his conversation with Lieutenant Murphy and, because of their schedules; they have not been able to reconnect.

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Mr. Collins asked if Mr. Eames had a chance to see these plans and Mr. Eames responded, no. Mr. Duckett stated nobody has. Mr. Collins asked Mr. Eames how he normally handles a situation like this when there are safety concerns on a construction project and Mr. Eames responded he requires that the applicant produce some sort of documentation from a professional stating the proposed construction is going to work and it will not cause any safety concerns. Mr. Eames went on to say he then checks with the professional or some other sources to confirm the findings. In this case, Mr. Eames stated he had a conversation with Lieutenant Murphy who basically said exactly what Mr. Duckett stated but added Lieutenant Murphy stated that this was probably a difficult thing to do from a safety point of view.

Mr. Duckett responded the plan he drew up would alleviate Lieutenant Murphy's concerns and offered to explain it to the Board. The Chairwoman stated Mr. Duckett is not an expert and has not been offered as an expert. Mr. Duckett agreed that he is not an expert in this field. Mr. Duckett requested a continuance so he may bring in an engineer or someone familiar with fire code.

Mr. Collins made a motion to continue this matter for another month. Mr. Taylor seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

ADMINISTRATIVE ISSUES:

There were no minutes to be voted on.

There was no further business or discussion. Mr. Jackson made a motion to adjourn. Mr. Taylor seconded. The vote was unanimous. Voting were: Chairwoman Ms. Lise Gescheidt, Mr. David Collins, Ms. Susan Krumholz, Mr. Richard Taylor, Mr. Jay Jackson and Ms. Wendy Taylor-Humphrey.

(Whereupon the Zoning Board of Review meeting was continued at 7:18 p.m.)

C E R T I F I C A T E

I, Salvina S. Ferreira, Registered Professional Reporter, hereby certify that the foregoing 5 pages of the September 4, 2013, Tiverton Zoning Board of Review minutes are transcribed to the best of my knowledge, skill and ability.

I further certify that I am not interested in the event of the action.

IN WITNESS WHEREOF, I have hereunto subscribed my hand and affixed my seal of office this 19th day of September, 2013.

Salvina S. Ferreira, RPR

My commission expires: September 26, 2017
ID # 28792

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